

**FILED**  
**FEBRUARY 15, 2008**  
 MICHAEL W. DOBBINS  
 CLERK, U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF ILLINOIS  
 EASTERN DIVISION**

<b>MOHAMMED KAMAL,</b>	)	
File No. 047-069-767,	)	
Plaintiff,	)	CASE NO.
	)	
v.	)	
	)	JUDGE
<b>MICHAEL MUKASEY</b> , U.S. Attorney General,	)	
Department of Homeland Security;	)	
<b>EMILIO T. GONZALEZ</b> , Director of	)	
U.S. Citizenship & Immigration Services,	)	
Defendants.	)	MAGISTRATE

**08 C 973**

**JUDGE CASTILLO  
 MAGISTRATE JUDGE COX**

**PETITION FOR HEARING ON NATURALIZATION**  
**APPLICATION UNDER 8 U.S.C. § 1447(b)**

NOW COMES the Plaintiff Mohammed Kamal, by and through his attorney,  
 Bonita B. Hwang Cho, Law Offices of Cheng, Cho & Yee, P.C., and complaining of  
 Defendant, states as follows:

1. Plaintiff is a lawful permanent resident of the United States who is  
 statutorily eligible to naturalize and become a United States citizen. Plaintiff's  
 application for naturalization has been unlawfully delayed by Defendant since June 2,  
 2005. As a consequence, this Court has jurisdiction to adjudicate Plaintiff's  
 naturalization application and to grant him naturalization pursuant to 8 U.S.C. § 1447(b).

**JURISDICTION**

2. This Court has jurisdiction over the subject matter of this case pursuant to  
 8 U.S.C. § 1447(b) (jurisdiction over naturalization application), 28 U.S.C. § 1331  
 (federal question jurisdiction), and 28 U.S.C. § 2201 (declaratory judgment).

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e) and 8  
 U.S.C. § 1447(b) because Plaintiff resides within the district of this court.

### **PARTIES**

4. Plaintiff Mohammed Kamal (“Kamal”) is a lawful permanent resident of the United States from India. His N-400 Application for Naturalization was filed with U.S. Citizenship and Immigration Services (“USCIS”) and he was interviewed on said application on June 2, 2005. Plaintiff’s application is still pending.

5. Defendant Michael Mukasey is the Attorney General of the United States.

6. Defendant Emilio T. Gonzalez is the Director of USCIS, and he is generally charged with enforcement of the Immigration and Nationality Act, and is further authorized to delegate such powers and authority to subordinate employees of USCIS, an agency under the Department of Homeland Security, including the approval and denial of immigration benefits. Specifically, Mr. Gonzalez is responsible for the grant or denial of naturalization applications under the Immigration and Nationality Act implementing regulations. See e.g. 8 U.S.C. § 1421, 8 C.F.R. § 310 and 8 C.F.R. § 316.3.

### **FACTS**

7. Plaintiff, a lawful permanent resident from India, submitted an N-400 Application for Naturalization to USCIS, upon which he was interviewed and examined on June 2, 2005. See Exhibit A.

8. Plaintiff has made numerous inquiries on his case to his state Congressman.

9. Plaintiff has made inquiries on his case to USCIS.

10. It has been almost 3 years since Plaintiff Kamal’s interview, and no decision has yet been made on his N-400 Application, even though is entirely eligible for

naturalization.

### **CLAIMS**

11. Much more than 120 days have passed since the initial interview, and Defendant has made no decision on Plaintiff's application in violation of 8 U.S.C. § 1447(b).

12. Defendant's failure to make a determination on Plaintiff's application within the 120 day statutory period entitles Plaintiff to bring this matter before this Court for a hearing pursuant to 8 U.S.C. § 1447(b).

### **REQUEST FOR RELIEF**

13. Plaintiff seeks de novo judicial determination of his naturalization application and a grant of naturalization from this Court. In the alternative, Plaintiff seeks that the Court remand the application to USCIS with an order to immediately adjudicate his application.

WHEREFORE, Plaintiff prays that this Court:

1. Grant this petition and enter a judgment granting Plaintiff's naturalization and ordering that he is a naturalized citizen of the United States;
2. In the alternative, remand the application to USCIS with an order that it adjudicate the application within 15 days of said order;
3. Grant attorneys' fees and costs under the Equal Access to Justice Act;
4. Grant such other and further relief as is fit and proper.

Respectfully submitted,  
**MOHAMMED KAMAL**

By: s/ Bonita B. Hwang Cho  
One of his attorneys

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**CERTIFICATE OF SERVICE**

I, Bonita B. Hwang Cho, the attorney, hereby certify that on the 15th day of February, 2008 a Petition for Hearing was served to:

Michael Mukasey, U.S. Attorney General  
c/o Office of the General Counsel  
U.S. Department of Homeland Security  
Washington, D.C. 20528

and

Emilio Gonzales, Director of U.S. CIS  
c/o Office of the General Counsel  
U.S. Department of Homeland Security  
Washington, D.C. 20528

and

Patrick J. Fitzgerald  
U.S. Attorney  
Northern District of Illinois  
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Chicago, IL 60604

s/ Bonita B. Hwang Cho

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